

HARTMAN UNDERHILL & BRUBAKER LLP

By: Christopher S. Underhill

Attorney I.D. No. 07013

221 East Chestnut Street

Lancaster, PA 17602

(717) 299-7254/FAX (717) 299-3160

Solicitor for the City of Lancaster

Police Bureau

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

KATHERINE ELIZABETH NEIMER :
a minor, by and through JAMES J. NEIMER :
and REBECCA NEIMER, her parents and :
natural guardians, :

Plaintiffs, :

v. :

CI-02-CV-4034

LANCASTER SCHOOL DISTRICT; CITY :
OF LANCASTER; LANCASTER :
RECREATION COMMISSION; VICKI :
PHILLIPS, Individually and in her capacity :
as Superintendent of the Lancaster School :
District; GLORIA CAMPBELL; Individually :
and in her capacity as building principal of :
Hamilton Elementary School; ISMAEL :
ALVAREZ; and DONALD YEAGER, :
Individually and in his capacity as Director :
of the Lancaster County Recreation :
Commission's School Age Care Program, :

Defendants. :

JURY TRIAL DEMANDED

**ANSWER OF THE CITY OF LANCASTER POLICE BUREAU TO
PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

1-5. Admitted. The City of Lancaster Police Bureau has not produced the records of its investigation into the allegations of sexual abuse because the Criminal History Record Information Act, 18 PS § 9101 et seq. provides as follows:

"Criminal History Record Information." Information collected from the initiation of a criminal proceeding, consisting of identifiable descriptions, dates and notations of arrest, inditements, information or other formal criminal charges and any dispositions arising therefrom. The term does not include intelligence information, investigative information or treatment information, including medical and psychological information, or information and records specified in section 9104 (relating to scope)." (Emphasis added).

18 PS § 9102. Definitions.

Section 9106(c)(4) provides, "Investigative and treatment information shall not be disseminated to any department, agency or individual unless a department, agency or individual requesting the information is a criminal justice agency, which requests the information in connection with its duties, and the request is based upon a name, fingerprints, modus operandi, genetic typing, voice print or other identifying characteristic." 18 PS § 9106(c)(4).

Section 9181 provides sanctions against anyone who violates the provisions of the Act including civil penalties (Section 9181(2)) and disciplinary action (Section 9181(3)).

WHEREFORE, the City of Lancaster Police Bureau requests that as to it, Plaintiffs' Motion to Compel Production of Documents be denied.

Dated: _____, 2003

HARTMAN UNDERHILL & BRUBAKER LLP

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Christopher S. Underhill
Attorney I.D. #07013
Solicitor for the City of Lancaster
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221 East Chestnut Street
Lancaster, PA 17602-2782
(717) 299-7254

PROOF OF SERVICE

I HEREBY CERTIFY that I am this day serving the foregoing Answer of the City of Lancaster Police Bureau to Plaintiffs' Motion to Compel Production of Documents on the persons and in the manner indicated below.

Service by First Class Mail, addressed as follows:

Jeffrey R. Elliott, Esquire
Kozloff Stoudt
2640 Westview Drive
P.O. Box 6286
Wyomissing, PA 19610

Edward H. Rubenstone, Esquire
Groen, Lamm, Goldberg & Rubenstone, LLC
Four Greenwood Square, Suite 200
Bensalem, PA 19020

Dated: _____, 2003

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